

KABI010029862025



**IN THE COURT OF I-ADDL. DISTRICT & SESSIONS
JUDGE AT BALLARI**

DATED THIS 18th DAY OF JULY, 2026

: PRESENT :

SRI. H.A. MOHAN., B.A.L., LL.B.

I-Addl. District & Sessions Judge,
Ballari.

CRIMINAL REVISION PETITION No.78/2025

REVISION PETITIONER :-

Smt.Shameeda Begum W/o. Moula Sab,
Aged about 30 years, R/o. 11th Ward,
Vijaya Vittal Nagar, Mallikarjuna Gouda
Apartment, Opp.Govt. Ayurvedic Hospital,
Siruguppa, Ballari District.

**(By Sri. R.V.Venkatachalapathy.,
Advocate)**

V/s

RESPONDENT :-

Moula Sab S/o. Late Hussain Sab, Aged
about 39 years, R/o. Kaka Nagar, Hatti
Gold Mines, Lingasugur Taluk, Raichur
District.

(Exparte.)

ORDER

This is a revision petition filed by the petitioner U/sec.397 of Cr.P.C, in Crl.M.C.No.80/2023 on the file of learned Civil Judge and JMFC., Siruguppa, challenging the order dated:31.07.2024, passed in the said case, on the following grounds;

2. The main grievance of the petitioner is that, even though sufficient material was placed before the learned trial judge, the learned trial judge has awarded meager monthly maintenance of Rs.6000/-. The same is insufficient having regard to the present days standard of living. The learned trial judge has not taken note of the averments in the petition with regard to the negligence on the part of the respondent to maintain the petitioner and also with regard to his income. Therefore the order under revision cannot be sustained in law.

3. It is stated that, the petitioner is entitled to get monthly maintenance of Rs.30,000/-. Accordingly, prayed to allow the petition.

4. In response to notice issued, the respondent has not appeared, hence, he has been placed exparte.

5. There is a delay of 414 days in filing the revision petition. The petitioner has assigned some reasons with regard to her mental stress and physical illness. Since, the respondent has not appeared, having regard to the scope of the petition, delay may be condoned. Accordingly delay is condoned.

6. The following points that arise for my consideration:

1. Whether there is any scope for enhancement of monthly maintenance?
2. To what order?

7. My answer to the above points are as under:

Point No.1: In the **Partly Affirmative**.

Point No.2: As per final order, for the following ;

REASONS

8. **Point No.1** :- I have perused the written arguments and the documents. There is no dispute with

regard to relationship of petitioner with the respondent. The petitioner has produced documents to show that she is legally wedded wife of the respondent.

9. It is seen that, the learned trial judge has taken note of the documents placed by the petitioner and also the oral evidence. But since there is no documents to show that the actual earning capacity of the respondent, the learned trial judge has awarded monthly maintenance of Rs.6000/-. There is no document to show that, the respondent has been capable to pay monthly maintenance of Rs.30,000/-. In the absence of sufficient material it is not possible for the court of law to grant the maintenance as prayed for. Capacity of the husband is a very relevant factor to decide the quantum of maintenance. However, having regard to the present days standard of living and since the respondent has not appeared to question the contention of the petitioner, I hold that if another Rs.2000/- per month is added to Rs.6000/-, that would meet the ends of justice. Accordingly, I hold that the petitioner is entitled to get enhanced maintenance to

Rs.2000/- in addition to Rs.6000/- in total of Rs.8000/- per month from the date of petition. Accordingly, I answer

Point No.1 in the Partly Affirmative.

10. Point No.2 :- In the result, I proceed to pass the following :

ORDER

The revision petition filed by the petitioner under Section 397 of Cr.P.C., is hereby partly allowed.

Consequently, the order dated:31.07.2024 passed in Crl.M.C.No.80/2023 by the learned Civil Judge and JMFC, Siruguppa is modified.

It is ordered that, the petitioner is entitled to get additional maintenance of Rs.2000/- and in total of Rs.8000/- from the date of petition in Crl.M.C.No.80/2023.

Send the copy of this order to the trial Court, forthwith.

(Dictated to the Stenographer Grade-III, transcribed & computerized typed by him, corrected, initialed and then pronounced by me in the open court on this 18th day of July, 2026)

(H.A. MOHAN)

I Additional Sessions Judge,
Ballari.